

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JUEL ROUNDTREE,

Plaintiff,

-v-

NYC *et al.*,

Defendants.
-----X

15 Civ. 8198 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff last communicated with the Court on June 16, 2021, when he notified the Court of his change of address to 4 West 31st Street, Room 913, New York, New York (the “West 31st Street Address”) and requested an extension of time to oppose Defendants’ motion for summary judgment. Dkt. 241. The Honorable William H. Pauley III, who was previously assigned to this case, granted that extension. Dkt. 242. Yet, Plaintiff failed to either file an opposition to summary judgment or request an additional extension. In addition, when the Clerk of the Court mailed to Plaintiff at the West 31st Street Address this Court’s Order scheduling a pre-motion conference for October 28, 2021, Dkt. 248, the Order was returned as not deliverable. Plaintiff also failed to appear at the October 28, 2021 conference. Dkt. 248. At that conference, Defendants’ counsel indicated that Plaintiff has also not been in contact with Defendants. And Plaintiff has not notified the Court of any new address, with the West 31st Street Address being the only address listed for him on the docket. Plaintiff has thus been silent on this case for over four months.

Federal Rule of Civil Procedure 41 authorizes a court to dismiss an action for failure to prosecute or comply with an order of the Court. Fed R. Civ. P. 41(b); *see LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (“[I]t is unquestioned that Rule 41(b) also gives the

district court authority to dismiss a plaintiff's case *sua sponte* for failure to prosecute . . .").

It is hereby ORDERED that Plaintiff inform the Court by November 29, 2021, whether he intends to proceed with this case.

If Plaintiff fails to inform the Court of his intent to proceed with this case by November 29, 2021, the Court may dismiss this action for failure to prosecute without further notice.

The Clerk of Court is respectfully directed to mail this order to the *pro se* plaintiff.

SO ORDERED.

Dated: October 29, 2021
New York, New York

A handwritten signature in black ink, appearing to read "John P. Cronan", is written over a horizontal line.

JOHN P. CRONAN
United States District Judge